

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1564

Antonio Garcia Lopez,

Petitioner,

v.

Immigration and Naturalization
Service,

Respondent.

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Petition for Review of
an Order of the Immigration
and Naturalization Service.

[UNPUBLISHED]

Submitted: January 22, 2003

Filed: January 27, 2003

Before BOWMAN, WOLLMAN, and LOKEN, Circuit Judges.

PER CURIAM.

Guatemalan citizen Antonio Garcia Lopez petitions for review of an order of the Board of Immigration Appeals (BIA), which affirmed an Immigration Judge's denial of Garcia Lopez's application for asylum and withholding of removal. For reversal, Garcia Lopez argues that the Immigration Judge erred in questioning the validity of his testimony, that the Immigration and Naturalization Service failed to show conditions in Guatemala have changed, and that he demonstrated both past persecution and a well-founded fear of future persecution. Upon careful review, we deny the petition.

We agree with the BIA that Garcia Lopez did not show past persecution or a well-founded fear of future persecution, as there was no evidence that guerrilla forces attempted to recruit him on account of his political opinion, affiliation, or any other characteristic that provides a basis for asylum. See 8 U.S.C. § 1101(a)(42)(A); INS v. Elias-Zacarias, 502 U.S. 478, 482-83 (1992). We also conclude that, although respondent was not required to show improved country conditions because Garcia Lopez did not establish past persecution, see Kratchmarov v. Heston, 172 F.3d 551, 553 (8th Cir. 1999), it did so by introducing evidence that since Garcia's arrival in the United States, Guatemala's civil war has ended, and the guerrillas have renounced violence and are participating in the political process, see Francois v. INS, 283 F.3d 926, 931 (8th Cir. 2002).

Accordingly, we deny the petition.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.